

Board of Pardons and Parole

Summary of 2015 Legislation Requested by the Law and Justice Interim Committee

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for the Commission on Sentencing
November 2015

Background

The 2013 Legislature enacted Senate Joint Resolution 3, which requested an interim committee study the operations of the Board of Pardons and Parole. The Law and Justice Interim Committee, a bipartisan committee made up of six representatives and six senators, was assigned the study. After more than a year of inquiry, the committee voted to forward five proposals to the 2015 Legislature as its recommendations for changes to Montana's parole system.

Bill Summaries

- **House Bill No. 19:** Clarify that the governor may change parole board presiding officer.
 - ✓ The bill clarifies that the governor may designate a different presiding officer at any time. The former presiding officer still serves on the board until the end of the member's term or until removed for cause.
 - ✓ Effective Oct. 1, 2015
 - ✓ Link to text: <http://leg.mt.gov/bills/2015/billhtml/HB0019.htm>
 - ✓ Sponsor: Rep. Ellie Hill
- **House Bill No. 28:** Require parole hearings to be video recorded.
 - ✓ The bill requires the Board to video-record and audio-record Board meetings and all hearings held to consider parole, rescission, revocation, or clemency decisions. The recordings must be made publicly available, except for contents that are redacted for privacy or safety/security reasons.
 - ✓ Effective Oct. 1, 2015; Terminates June 30, 2019
 - ✓ Link to text: <http://leg.mt.gov/bills/2015/billhtml/HB0028.htm>
 - ✓ Sponsor: Rep. Jenny Eck
- **House Bill No. 43:** Revise executive clemency laws.
 - ✓ The bill gives the governor final authority over clemency decisions, including if a clemency hearing takes place. The bill prohibits the governor from making clemency recommendations and decisions if the applicant is related to the governor or works or has worked in the governor's office since the governor took office. The bill does not change the authority of the Board to make parole decisions.
 - ✓ Effective Oct. 1, 2015
 - ✓ Link to text: <http://leg.mt.gov/bills/2015/billhtml/HB0043.htm>
 - ✓ Sponsor: Rep. Margaret 'Margie' MacDonald

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Exhibit 7

- **House Bill No. 128:** Revise MAPA provisions related to the Board of Pardons and Parole
 - ✓ The bill requires the Board to comply with the Montana Administrative Procedure Act, except that it retains an existing exemption from the contested case and justice review of contested case provisions of MAPA. Previously, the Board had been exempt from MAPA, except for provisions related to making rules available to the public, adopting a rule describing the agency's organization, using model rule forms prepared by the Secretary of State, and filing proposed and adopted rules with the Secretary of State.
 - ✓ Effective Oct. 1, 2015
 - ✓ Link to text: <http://leg.mt.gov/bills/2015/billhtml/HB0128.htm>
 - ✓ Sponsor: Rep. Ellie Hill

- **House Bill No. 135:** Revise parole criteria laws.
 - ✓ The bill revises parole criteria used by the Board when making parole decisions to include criteria that previously existed in administrative rule but was not listed in statute.
 - ✓ Effective Oct. 1, 2015
 - ✓ Link to text: <http://leg.mt.gov/bills/2015/billhtml/HB0135.htm>
 - ✓ Sponsor: Rep. Jenny Eck